

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE PETITION)	
OF KAVANAGH FISHERIES, INC.,)	
OWNER OF THE F/V ATLANTIC)	CIVIL ACTION NO. 05-10637-GAO
FOR EXONERATION FROM OR)	
LIMITATION OF LIABILITY)	

**NOTICE OF PETITIONER, KAVANAGH FISHERIES, INC., TO COMPEL
SURRENDER OF THE LETTER OF UNDERTAKING OR, ALTERNATIVELY,
ALLOW THE WITHDRAWAL OF THE LETTER OF UNDERTAKING ISSUED TO
LOMBARD CORPORATE FINANCE (DECEMBER 3) LIMITED AND BERRYFORD
SHIPPING (U.K.) LIMITED AND ALLOW SUBSTITUTING OF A BOND IN ITS
PLACE**

Now comes the Petitioner, Kavanagh Fisheries, Inc. and respectfully requests that this Court compel Lombard Corporate Finance (December 3) Limited and Berryford Shipping (U.K.) Limited (hereinafter referred to jointly as "Lombard/Berryford") to surrender a Letter of Undertaking dated April 29, 2005, a copy of which is attached as Exhibit A to Petitioner's Memorandum of Law, and accept as a substitute, a bond in the total amount of \$2,200,000.00 to form the limitation fund and to serve as security for all claims which may result as a result of a collision at sea on May 17, 2005, between the F/V ATLANTIC and the C/V ZIM SHENZHEN.

Alternatively, the Petitioner requests that it be allowed to withdraw the Letter of Undertaking submitted on its behalf and substitute the bond as mentioned above.

As reasons therefore, the Petitioner refers to its Memorandum of Law.

For the Petitioner,
By its attorneys,

REGAN & KIELY LLP

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